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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,468	04/15/2004	Oral Aydin	251899US0	6185

22850 7590 06/29/2005

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ALEXANDRIA, VA 22314

EXAMINER

BISSETT, MELANIE D

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/824,468

Applicant(s)

AYDIN ET AL.

Examiner

Melanie D. Bissett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/04;9/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 6-9, 12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Erwin.

3. Erwin discloses pressure-sensitive adhesive compositions comprising spheroidal particles in a liquid adhesive composition to form labels or tapes (col. 1 lines 28-48).

The hollow spheres have a particle size from 20-500 μm (col. 1 line 69-col. 2 line 9),

where the reference teaches alkali metal silicates as hollow spheres (col. 3 lines 27-33).

Examples teach acrylic emulsion adhesive binders having the claimed amount of hollow spheres, where the spheres are dispersed in an aqueous dispersion of the polymer.

Regarding claims 7 and 8, it is noted that the claims are written in product-by-process

format and also only limit the adhesives to be obtainable by the processes. It is the

examiner's position that the adhesive composition formed by the invention would be

capable of being obtained by the claimed methods and would also be indistinguishable

from those compositions of the claimed methods.

4. Claims 1, 3-8, 10-12, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Kishioka et al.

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5. Kishioka discloses pressure sensitive sheets with an adhesive comprising an acrylic polymer, a silane coupling agent, and a crosslinking agent (abstract). The acrylic copolymers comprise at least 50% of (meth)acrylates having 1-18 carbon atoms ([0014-0016] examples), and the coupling agents are silanes. Many amino- and alkoxy-group containing materials are taught to be used in the claimed amounts [0020-0030].

Emulsion polymerized acrylic polymers are taught [0018]. Regarding claims 7 and 8, it is noted that the claims are written in product-by-process format and also only limit the adhesives to be obtainable by the processes. It is the examiner's position that the adhesive composition formed by the invention would be capable of being obtained by the claimed methods and would also be indistinguishable from those compositions of the claimed methods.

6. Claims 1-14 are rejected under 35 U.S.C. 102(a) as being anticipated by BASF. A translation of the BASF reference, DE 10208843, can be found on the applicant's Form PTO-1449.

7. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

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8. All of the claim limitations are taught by the reference. See p. 1 lines 1-6 and 31-39; p. 3 lines 6-9; p. 7 lines 1-3; p. 8 lines 13-19; p. 9 lines 1-18; examples.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kishioka et al. in view of Wiest et al.

11. Kishioka applies as above, teaching acrylic copolymer pressure sensitive adhesives but failing to disclose the t_g values of the polymers. Wiest teaches that conventional acrylic copolymer pressure sensitive adhesives have t_g values of -20 to -60 °C (abstract). The disclosed copolymers are aqueous dispersions and have improved cohesion, resistance to aging, and adhesion (col. 3 lines 12-25). It is the examiner's position that it would have been prima facie obvious to use the copolymers of Wiest's invention in the adhesive compositions of Kishioka's teaching to improve cohesion, aging resistance, and adhesion of the compositions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie D. Bissett whose telephone number is (571) 272-1068. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melanie D. Bissett
Patent Examiner
Art Unit 1711

mdb